

✓ **Bar with Rehabilitation Offenses:**

Caregivers with convictions of serious crimes or a history of improper behavior are barred from working in facilities regulated by the Department, unless they are approved through the Rehabilitation Review process.

Only those crimes and offenses on the Offenses List (www.dhfs.state.wi.us/caregiver/statutesINDEX.HTM) and comparable crimes and offenses from other states or other jurisdictions are bars to employment, regulatory approval or nonclient residency. An employer may determine if any conviction not on the Offenses List is substantially related to the duties of the job, and may refuse to hire a candidate for that reason.

✓ **Complete Background Check:**

A **complete caregiver background check** consists of the following documents:

1. A completed HFS-64 Background Information Disclosure (BID) form;
2. A response from the Department of Justice (DOJ) Wisconsin Criminal History Record Request, either
 - a “no record found” response or
 - a criminal record transcript; and,
3. A letter from the Department of Health and Family Services (DHFS) that reports the status of a person's administrative findings or licensing restrictions.

Other documentation must be obtained by the entity when information is required to complete the background check, such as military discharge papers, other state's convictions, tribal court criminal records, arrest and conviction disposition information from local clerks of courts or tribal courts.

✓ **Public Record Information:**

Caregiver background checks are public records and may be shared with the applicant, employee or student. Entities must maintain the completed background check and provide to BQA staff upon request. In cases where the background checks have been conducted within the previous four years, entities are required to share the background checks with other entities on request.

Questions about background checks on employees and contractors or questions about offenses that affect caregiver eligibility?

Caregiver Regulation and Investigation Section
Bureau of Quality Assurance
2917 International Lane, Suite 300
Madison, WI 53704
Phone: (608) 243-2019
FAX: (608) 243-2020
E-mail: caregiver_intake@dhfs.state.wi.us

Questions about background checks on owners and nonclient residents?

Entity Background Checks
Bureau of Quality Assurance
2917 International Lane, Suite 300
Madison, WI 53704
(608) 243-2019
E-mail: caregiver_intake@dhfs.state.wi.us

Questions about background checks on child care providers?

Bureau of Regulation & Licensing
(608) 266-9314

Questions about background checks on foster care providers?

Bureau of Programs and Policies
(608) 267-7287

Questions about the Rehabilitation Review process?

Office of Legal Counsel
Phone: (608) 266-8428
E-mail: RehabRC@dhfs.state.wi.us

Questions about noncredentialed caregivers with substantiated finding of misconduct?

Wisconsin Nurse Aide Registry
www.promissor.com, click on “Other Services,” click on “Registry Services,” then scroll to “Wisconsin Nurse Aides” Interactive Voice Response (IVR)
(877) 224-0235 toll free

Other questions?

See our web site: www.dhfs.state.wi.us, click on “Licensing,” “licensing-Health/Medical Care,” then on “Caregiver Program (including background checks)”



Making a difference.

BACKGROUND CHECKS

For Entities Regulated by the Bureau of Quality Assurance

in

WISCONSIN'S CAREGIVER PROGRAM

Background Check



STATE OF WISCONSIN
Department of Health and Family Services
Division of Supportive Living
Bureau of Quality Assurance

February 2003

PSL-3159

WISCONSIN CAREGIVER PROGRAM

This is an overview of the background check requirement of Wisconsin's Caregiver Program for entities regulated by the Bureau of Quality Assurance (BQA). For more detailed information, please see www.dhfs.state.wi.us/caregiver or the "Contact Information" box on the back of this brochure.

CAREGIVER BACKGROUND CHECKS

The Wisconsin Caregiver Program responds to the concern in Wisconsin and around the nation about the potential for physical, emotional and financial abuse of vulnerable citizens by persons who have been convicted of serious crimes or have a history of improper behavior.

The Caregiver Law is intended to protect clients in health care settings from misconduct (abuse or neglect, or misappropriation of property) by requiring employers and licensing agencies to:

- Conduct caregiver background checks;
- Closely examine the results of the caregiver background checks for criminal convictions or for findings of misconduct by a governmental agency; and,
- Make employment and licensing decisions based on the results of the background checks in accordance with the requirements and prohibitions in the law.

Therefore, the Caregiver Law requires two types of caregiver background checks:

1. Those completed by entities on their employees and contractors, and
2. Those completed by the Bureau of Quality Assurance on license holders and nonclient residents of BQA regulated entities.

✓ **Employees as Caregivers:**

A caregiver is a person who meets all of the following:

- Is employed by or under contract with an entity;
- Has regular, direct contact with the entity's clients or the personal property of the clients; and,
- Is under the entity's control.

Entities must complete a caregiver background check for those employees who have regular, direct contact with clients. This includes employees who provide direct care and may include housekeeping, maintenance, dietary and administrative staff, if those persons are under the entity's control and have regular, direct contact with clients served by the entity.

To complete caregiver background checks on employees and contractors, the entity must:

1. Require every prospective employee or contractor to complete a Background Information Disclosure (BID) form, HFS-64, prior to working as a caregiver. A "clean" BID is one with no convictions of a crime that require a Rehabilitation Review, findings by a governmental agency of abuse, neglect or misappropriation or license limitations. Individuals with a "clean" BID may work up to 60 days while the employer completes the caregiver background check process. *Retain the completed HFS-64 BID.*

Follow these special instructions for the following individuals or circumstances:

- **Minors** – Minors must complete a BID but the entity is not required to submit a request to DOJ when the BID is "clean."
 - **Students** – Students must complete a BID but the entity is not required to submit a request to DOJ for those with a clinical placement of less than 60 days when the BID is "clean."
 - **Military Service** – The entity must obtain a copy of the military discharge papers (DD214) from a caregiver who was discharged from the military.
 - **Out-of-State Residency** – The entity must make a good faith effort to obtain another state's conviction records for caregivers who resided in a state other than Wisconsin during the 3 years proceeding the date of the search.
2. Submit a Wisconsin Criminal History Record Request (DJ-LE-250 or 250A) to the Department of Justice (DOJ). Mail the completed Record Request, appropriate fee and a self-addressed stamped envelope to:

**Crime Information Bureau
Attn: Record Check Unit
P.O. Box 2688
Madison, WI 53701-2688**

DOJ account holders may request this information on the Criminal History Record Check website at <http://wi-recordcheck.org>. Entities may access a Wisconsin DOJ conviction report from records maintained by the department. In addition, a letter from the Department of Health and Family Services (DHFS) may be accessed, stating whether the person has any governmental findings or license limitations

Entities must obtain the final disposition of any offense whose disposition is incomplete or unclear. Entities must also contact the appropriate County Clerk of Courts for a judgment of conviction and criminal complaint related to any crime that is disclosed on a BID form but does not appear on the DOJ Criminal History Report.

✓ **Entity Owners & Nonclient Residents:**

Just as entities are required to conduct caregiver background checks on employees, the Bureau of Quality Assurance (BQA) is required to conduct caregiver background checks on the following:

- Anyone who is the owner or administrator of an entity, whether or not they have regular, direct contact with clients;
- Anyone who is a board member or corporate officer who has regular, direct contact with the clients served; and,
- Anyone 10 years of age and older who lives in a facility but is not a client (nonclient resident).

When contacted to do so by the Bureau of Quality Assurance, entities must:

1. Require each applicable person to complete a BID form (HFS-64) and an Appendix form (HFS-69), and
2. Submit the completed BID and Appendix forms (and military discharge papers, if needed) with a \$7.50 processing fee for each person to:

**Entity Background Checks
Bureau of Quality Assurance
2917 International Lane, Suite 300
Madison, WI 53704**